

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
TRUSTEES OF THE NEW YORK CITY :  
DISTRICT COUNCIL OF CARPENTERS :  
PENSION FUND, WELFARE FUND, :  
ANNUITY FUND, AND APPRENTICESHIP, :  
JOURNEYMAN, RETRAINING, :  
EDUCATIONAL AND INDUSTRY FUND, :  
et al., :

Petitioners, :

-v- :

THE ESPINOSA GROUP, INC., :  
:  
Respondent. :

-----X  
VERNON S. BRODERICK, United States District Judge:

On July 12, 2017, Petitioners Trustees Of The New York City District Council Of Carpenters Pension Fund, Welfare Fund, Annuity Fund, and Apprenticeship, Journeyman Retraining, Educational and Industry Fund; Trustees Of The New York City Carpenters Relief and Charity Fund; The New York City and Vicinity Carpenters Labor-Management Corporation; and the New York City District Council of Carpenters initiated this action by filing the petition to confirm arbitration ("Petition"). (Doc. 1.) A copy of the Petition was served on Respondent The Espinosa Group, Inc. on July 24, 2017, (Doc. 7), but Defendant failed to answer or respond to the Petition, or otherwise appear in the action. On September 28, 2017, I entered an order stating that if Respondent did not file a notice of appearance and response to the Petition by October 12, 2017, I would consider the Petition unopposed. (Doc. 9.) Petitioners served a copy of that order on Respondent on September 29, 2017, (Doc. 10), but Respondent did not appear in

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/19/2019

17-CV-5256 (VSB)

**ORDER**

the case or respond to the petition or request an extension of the deadline to appear or respond.

On October 20, 2017, I referred the case to Magistrate Judge Debra C. Freeman for a Report and Recommendation on the unopposed Petition. (Doc. 11.)

On October 16, 2018, Judge Freeman issued a Report and Recommendation recommending that I enter judgment affirming the arbitration award and that I grant Petitioners' application for the attorneys' fees and costs they incurred in pursuing their claims in court (with a reduction in fees sought) and for post-judgment interest. (Doc. 12.) Specifically, the Report and Recommendation recommended that I enter final judgment in Petitioners' favor in the amount of: (1) \$99,0436.75 (the amount of the arbitration award); pre-judgment interest on \$99,046.75 at the rate of 5.75 percent (as set forth in the arbitration award) from May 3, 2017, the date of the arbitration award, to the date of entry of judgment, as calculated by the Clerk of Court; and (3) \$3,120.00 in attorneys' fees and costs incurred in this action. (*Id.* at 15.) No objections have been filed and the deadline for objections has passed. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985); *see Braunstein v. Barber*, No. 06 Civ. 5978(CS)(GAY), 2009 WL 1542707, at \*1 (S.D.N.Y. June 2, 2009) (explaining that a "district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record").

I have reviewed the Report and Recommendation for clear error and find none.

Accordingly, I hereby ADOPT the Report and Recommendation, (Doc. 20), in its entirety. The Clerk of Court is respectfully directed to enter judgment accordingly and close the case.

SO ORDERED.

Dated: April 19, 2019  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and "n". The last name "Broderick" is written with a large "B" and "r". The signature is written over a horizontal line.

Vernon S. Broderick  
United States District Judge